

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 58 – SB 464**

March 25, 2017

**SUMMARY OF ORIGINAL BILL:** Authorizes individuals submitting open records requests to do so by all official modes of communication including in person, by telephone, fax, email or other electronic means, and in writing.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (005454):** Deletes and replaces language of the bill such that the only substantive changes are: (1) to authorize governmental entities to only accept requests for open records through methods of communication if that particular method is currently utilized by the governmental entity; (2) to delete the ability of individuals to submit open records requests by all official modes of communication; (3) to authorize governmental entities to require a request for copies of public records to be submitted on a form developed by the agency to comply with the requirements pursuant to Tenn. Code Ann. § 10-7-503(c); and (4) to establish two circumstances when records custodians would be authorized to deny access to public records.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 10-7-503(a)(1)(C), a records custodian is any office, official, or employee of any governmental entity lawfully responsible for the direct custody and care of a public record.
- Records custodians are currently required, pursuant to Tenn. Code Ann. § 10-7-503, to accept requests made in writing or submitted on a form developed by the Comptroller of the Treasury, the Office of Open Records Counsel.
- Governmental entities would be required to accept requests submitted in person, by telephone, fax or mail. Such entities would only be required to accept requests for open

**HB 58 – SB 464**

records through email or via internet portal if such methods of communication were currently utilized by the governmental entity.

- Pursuant to Tenn. Code Ann. § 10-7-503(c)(3), persons requesting to inspect personnel records of law enforcement officers are required to provide their name, address, telephone number, driver license number, or other appropriate identification prior to inspecting such records.
- The proposed amendatory language will authorize the continued use of any forms created to comply with Tenn. Code Ann. § 10-7-503(c)(3).
- The proposed amendatory language authorizes records custodians to deny a records request if the person requesting to view a public record fails, two or more consecutive times within a six month period, to view the public record at the scheduled time, or in the event a person fails to pay for copies made of a public record after having received an estimate for the costs for copying such records being requested.
- State agencies currently accept records requests made in the manner proposed by the legislation; therefore, there will be no significant fiscal impact to state government.

#### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/jrh